

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**PURVIS INDUSTRIES, LLC, d/b/a
IMSCO,**

Plaintiff,

v.

No. 18-cv-00585 RB-LF

SPOKANE INDUSTRIES, INC.,

Defendant.

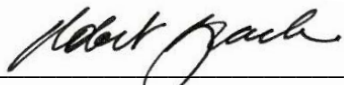
MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant Spokane Industries, Inc.'s (Spokane) two Motions for Partial Judgment on the Pleadings. (Docs. 30; 46.) The Court recently granted in part Plaintiff's motion for leave to file an amended complaint (*see* Doc. 52), and Plaintiff subsequently filed its Amended Complaint on May 9, 2019 (Doc. 53). In light of these developments, the Court will dismiss Spokane's currently pending motions for judgment on the pleadings without prejudice and allow Spokane time to refile revised versions of its motions based on the Amended Complaint. The Court declines to address the parties' legal arguments as to whether an amended complaint renders a pending motion for judgment on the pleadings moot *as a matter of law*. (*See* Docs. 47 at 7; 49 at 4.) Rather, the Court finds that allowing Spokane to revise its arguments based on the new pleading will be more efficient and better reflect both parties' positions than attempting to review the prior motions in light of the new complaint.

THEREFORE,

IT IS ORDERED that Spokane's Motions for Partial Judgment on the Pleadings (Docs. 30; 46) are **DENIED** as moot;

IT IS FURTHER ORDERED that Spokane may revise and refile its motions in light of Plaintiff's Amended Complaint by **May 28, 2019**, and subsequent briefing on the revised motions will proceed on a regular schedule.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE